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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MARCUS RUBEN ELLINGTON,

11 Plaintiff,

No. CIV S-04-0666 DFL KJM P

12 vs.

13 E.S. ALAMIEDA, et al.,

14 Defendants.

ORDER

15 _____/
16 On February 23, 2006, plaintiff filed a motion for summary judgment.
17 Defendants have filed a motion to strike or otherwise stay the motion for summary judgment to
18 allow them to complete discovery. Plaintiff has opposed the motion.

19 Plaintiff's motion for summary judgment does not include a statement of
20 undisputed facts and so does not comply with L.R. 56-260(a). Moreover, it relies on
21 unauthenticated and in some cases unidentified documents. See Fed. R. Evid. 901. Because it
22 does not comply with the rules governing summary judgment, it should be denied.

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Accordingly, IT IS HEREBY ORDERED that

1. Plaintiff's February 23, 2006, motion for summary judgment is denied without prejudice to refile in accordance with the court's scheduling order of February 21, 2006 and not before the close of the period for discovery.

2. Defendants' March 1, 2006 motion to strike is denied as unnecessary in light of the above ruling.

DATED: March 16, 2006.


UNITED STATES MAGISTRATE JUDGE

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